

CITY COUNCIL AGENDA
REGULAR MEETING
WEDNESDAY JANUARY 15, 1997

Morgan Hill Civic Center	Interim Mayor	Dennis Kennedy
Council Chambers	Interim Mayor Pro Tempore	Bev E. Freeman
17555 Peak Avenue	Councilmember	Hedy L. Chang
Morgan Hill, California 95037-4128	Councilmember	Cynthia J. Cook

7:00 P.M.

CALL TO ORDER
(Interim Mayor Kennedy)

ROLL CALL ATTENDANCE
(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA
Per Government Code 54954.2
(City Clerk Torrez)

SILENT INVOCATION
Charley Powell
In Memoriam

Interim Mayor Kennedy and Interim Mayor Pro Tempore Freeman

PLEDGE OF ALLEGIANCE

SPECIAL RECOGNITION
Joe R. Martucci
Previous Councilmember

Ray Dellanini
Employee of the Year

Ben Fuller
Certificate of Appreciation

Irv Perlitch
Recreational Vehicle (RV) Hall of Fame

INTRODUCTIONS

Kathleen Baily
Legal Secretary

Ruben Matuk
Utility Worker I

CITY COUNCIL REPORT

Interim Mayor Kennedy
City Councilmember Chang
City Councilmember Cook

Comments from League of California Cities Meeting

CITY MANAGER'S REPORT

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Interim Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

ADJOURNMENT TO: **Special Redevelopment Agency Meeting (See Separate Agenda)**

CONSENT CALENDAR: The Consent Calendar, Agenda Items #1 through #4 may be acted upon with one motion, a second and the vote.

1. **MORGAN HILL DIRECTIONAL SIGNS**
Recommended Action: **Approve** the Installation of Attractive Directional Signs within Public Street Right-of-way and Accept the Offer from the Chamber of Commerce to Maintain the Signs.
2. **DECEMBER CITY TREASURER'S REPORT**
Recommended Action: **Accept and File** Report.
3. **APPROVAL OF REGULAR MEETING MINUTES OF DECEMBER 18, 1996**
4. **APPROVAL OF SPECIAL MEETING MINUTES OF JANUARY 6, 1997**

ROLL CALL VOTE: The Roll Call Vote, Agenda Items #5 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required.
(Government Code Section 36934)

SECOND READING AND ADOPTION OF ORDINANCE NOS. 1314 AND 1315, NEW SERIES

5. **ORDINANCE NO. 1314, N.S.** -- An Ordinance of the City Council of the City of Morgan Hill Approving a Precise Development Plan for a 57 Unit Residential Planned Development on the South Side of Cochrane Road and East Side of Mission View Drive in the R-1 (7,000)/RPD Zoning District. (APN 728-32-001, 002, 003 and 728-33-001); and

ORDINANCE NO. 1315, N.S. -- An Ordinance of the City Council of the City of Morgan Hill Approving a Development Agreement for a 57 Unit Residential Single-Family Project Known as "Morgan Park Place". Application DA-95-11: Cochrane-Ruge Family Partnership. (APN 728-32-001, 002, 003 and 728-33-001)

LEGALLY NOTICED PUBLIC HEARINGS:

6. **AMEND ORDINANCE RELATING TO TOW CAR SERVICES**

Recommended Action: Request Staff Presentation.

The Interim Mayor Will Open the Public Hearing.

Please Limit Your Remarks to 3 Minutes. The Interim Mayor Will Close the Public Hearing.

Council Discussion.

Action- Motion to Waive the First and Second Reading of the Ordinance;

Motion to Introduce Ordinance. Call for the Question. The City Clerk Will Read the Ordinance Title and Call the Roll for the Vote.

7. **APPEAL OF PLANNING COMMISSION DENIAL OF USE PERMIT APPLICATION UP 96-11: RAILROAD-CRIST/WILLIAMS (APN 726-04-005, 006)**

Recommended Action: Request Staff Presentation.

The Interim Mayor Will Open the Public Hearing.

Please Limit Your Remarks to 3 Minutes. The Interim Mayor Will Close the Public Hearing.

Council Discussion.

Action - Motion to Deny the Use Permit Affirming the Decision of the Planning Commission; and

Action - Motion to Adopt Resolution with Findings in Support of Such Denial, **OR**

Action - Motion to Approve the Use Permit Reversing the Decision of the Planning Commission; and

Action - Motion to Adopt Resolution with Findings in Support of the Approval.

8. **DEVELOPMENT AGREEMENT APPLICATION DA-96-08: COCHRANE-ECUMENICAL ASSOCIATION FOR HOUSING (APN 726-25-013)**

Recommended Action: Request Staff Presentation.

The Interim Mayor Will Open the Public Hearing.

Please Limit Your Remarks to 3 Minutes. The Interim Mayor Will Close the Public Hearing.

Council Discussion.

Action- Motion to Waive the First and Second Reading of the Ordinance;

Motion to Introduce Ordinance. Call for the Question. The City Clerk Will Read the Ordinance Title and Call the Roll for the Vote.

9. **DEVELOPMENT AGREEMENT APPLICATION DA-96-06: STONEGATE-MANTIA (APN 773-31-033)**

Recommended Action: Request Staff Presentation.

The Interim Mayor Will Open the Public Hearing.

Please Limit Your Remarks to 3 Minutes. The Interim Mayor Will Close the Public Hearing.

Council Discussion.

Action- Motion to Waive the First and Second Reading of the Ordinance;

Motion to Introduce Ordinance. Call for the Question. The City Clerk Will Read the Ordinance Title and Call the Roll for the Vote.

10. **DEVELOPMENT AGREEMENT APPLICATION DA-96-07: VINEYARD-KENT FAMILY TRUST, INC. (APN 767-22-030)**
Recommended Action: Request Staff Presentation.
The Interim Mayor Will Open the Public Hearing.
Please Limit Your Remarks to 3 Minutes. The Interim Mayor Will Close the Public Hearing.
Council Discussion.
Action- Motion to Waive the First and Second Reading of the Ordinance;
Motion to Introduce Ordinance. Call for the Question. The City Clerk Will Read the Ordinance Title and Call the Roll for the Vote.

OTHER BUSINESS:

11. **REVIEW AND APPROVE OR DISAPPROVE CITY SALES OF TRANSFERABLE DEVELOPMENT CREDITS ("TDC'S") EXEMPT FROM MEASURE P GROWTH CONTROL ORDINANCE**
Recommended Action: 1) Approve the Existing Practice of Sale of the Remaining Ten TDC's Which are Exempt from Measure P under Current Procedures. Current Procedures Require the Individual Review of Each Sale by the City Council and the Approval of each Use of a TDC by the Planning Commission; **OR** 2) Direct Staff to Discontinue the Exemption of the Remaining Ten El Toro TDC's from Measure P Growth Control Ordinance.
12. **SALE OF CITY OWNED TDC'S**
Recommended Action: By Minute Action, Authorize City Manager to Enter into Contract for Sale of Two TDCs.
13. **POST FLOOD REPORT FOR JANUARY 1ST AND 2ND FLOODING**
Recommended Action: Informational Item.
14. **REQUEST COUNCIL APPROVAL OF A RESOLUTION SUPPORTING ASSEMBLY BILL 3X (ALSO KNOWN AS AB 97) TO PROVIDE STATE FUNDS FOR CONSTRUCTION OF IMPROVEMENTS TO LLAGAS CREEK**
Recommended Action: Adopt Resolution.
15. **ENFORCEMENT OF BARKING DOG COMPLAINTS**
Recommended Action: Discuss the Level and Method of Enforcement of Municipal Ordinance Violations Relating to Noisy Animals.
16. **ADOPTION OF CITY POLICY TO REQUIRE ANNEXATION PRIOR TO PROVIDING WATER AND/OR SEWER SERVICE OUTSIDE OF OUR CITY LIMITS**
Recommended Action: 1) Adopt the Attached Policy, with or without Modification, **OR** 2) Take No Action.
17. **AGREEMENT PROVIDING FOR BUS SHELTER ADVERTISING AND MAINTENANCE**
Recommended Action: Approve Agreement and Authorize the City Manager to Sign on Behalf of the City.
18. **REVISED LEASE FOR MOUNT HOPE CEMETERY**
Recommended Action: Authorize the City Manager to Sign the Revised Lease with Ruth Johnson for Mount Hope Cemetery.
19. **ELECTION CALENDAR FOR SPECIAL ELECTIONS HELD ON JUNE 3, 1997**
Recommended Action: 1) Direct Staff to Bring Back the Necessary Resolution for Calling a Special Election for June 3, 1997 to Fill a Vacancy on the City Council, **OR** 2) Direct Staff to Bring Back for Discussion Options and Procedures for Making an Appointment to fill a Vacancy on the City Council.
20. **REQUEST FROM COUNCILMEMBER CHANG FOR A CITY COUNCIL WORKSHOP TO DEVELOP CITY COUNCIL RULES AND PROCEDURES**
Recommended Action: 1) Direct Staff to Research Information Regarding City Council Rules and Procedures, and, through Coordination with all Members of the Council, Set a Date In February for a City Council Workshop on the Same; **OR** 2) Take No Action, thereby Communicating to Staff that a Workshop Is Not Desired by the City Council.

21. REQUEST TO FORM COMMITTEE TO EVALUATE WAYS TO IMPROVE MEASURE P (INTERIM MAYOR PRO TEMPORE FREEMAN)

Recommended Action: 1) **Direct** Staff to Proceed within a Specific Framework for Formation and Appointment of a City Council Committee to Examine the Functioning and Operation of Measure P Consistent with Direction of the Council; **OR** 2) **Instruct** the Planning Commission to Study Specific Issues and Concerns Related to the Functioning and Operation of Measure P and Report Same Back to the City Council within a Reasonable Period of Time; **OR** 3) **Take No Action**.

22. TRAFFIC NOISE AT THE FOX HOLLOW SUBDIVISION

Recommended Action: Direct Staff to Undertake the Following, by Minute Action: 1) **Prepare** an Engineering and Design Plan for Extension of the Wall Height to 8 Feet in the Fox Hollow Subdivision; 2) **Initiate** Exception to City Code to Allow an 8 Foot Tall Wall adjacent to the Fox Hollow Subdivision; 3) **Waive** Fee for Residents of the Fox Hollow Subdivision Requesting Building Permit to Increase Wall Height; and 4) **Direct** Staff to Investigate the Feasibility of Filing Suit Against the Developer of the Subdivision.

23. REQUEST TO RE-ESTABLISH THE CABLE TELEVISION COMMISSION

Recommended Action: 1) **Direct** Staff to Prepare a specific Ordinance Establishing and Identifying the Powers and duties of a Cable Television Commission; **OR** 2) **Take No Action**.

ADJOURNMENT TO: Next Regularly Scheduled City Council Meeting, February 5, 1997

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

At. **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Interim Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or cal 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #6 through #10 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.